

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TOMMY MITCHELL,

Plaintiff

V.

SMITH'S FOOD & DRUG CENTERS, INC.,  
et al.,

## Defendants

Case No.: 2:18-cv-01257-APG-NJK

### Order Accepting Report and Recommendation and Dismissing Case

[ECF No. 25]

On September 27, 2018, Magistrate Judge Koppe entered a report and recommendation that I dismiss this case with prejudice because plaintiff Tommy Mitchell has not complied with court orders after being warned that failure to comply could result in dismissal. ECF No. 25. Mitchell did not file an objection. Thus, I am not obligated to conduct a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to “make a de novo determination of those portions of the report or specified proposed findings to which objection is made”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (“the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)).

Additionally, Judge Koppe's report and recommendation was returned in the mail. ECF Nos. 26, 27. Under Local Rule IA 3-1, a pro se party must immediately advise the court of any change of address. "Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court." LR IA 3-1.

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1 IT IS THEREFORE ORDERED that Judge Koppe's report and recommendation (**ECF**  
2 **No. 25) is accepted.** Plaintiff Tommy Mitchell's complaint is DISMISSED with prejudice. The  
3 clerk of court is instructed to enter judgment in favor of the defendants and against plaintiff  
4 Tommy Mitchell.

5 DATED this 29th day of October, 2018.

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8 ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
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